

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**CFS 12 FUNDING LLC and
AC MANAGER LLC,**

Petitioners,

-against-

GAVIN WIESEN, Solely in His Capacity :
as *De Facto* Personal Representative :
of the Estate of JEREMY L. WIESEN, :

Respondent.

No. 21-cv-09711 (PKC)

~~[PROPOSED]~~

FINAL JUDGMENT CONFIRMING ARBITRATION AWARD

P. KEVIN CASTEL, United States District Judge:

WHEREAS, petitioners CFS 12 Funding LLC and AC Manger LLC (jointly, the “Petitioners”) and Jeremy L. Wiesen (“Wiesen”) were parties to a certain litigation funding agreement dated as of October 4, 2016 (the “LFA”); and

WHEREAS, the LFA contained a provision providing that disputes arising out of, in connection with or in any way related to the LFA would be settled by arbitration; and

WHEREAS, on September 17, 2020, Wiesen invoked the LFA arbitration clause and filed a demand for arbitration with the American Arbitration Association (“AAA”) to resolve a dispute under the LFA; and

WHEREAS, the AAA acknowledged Wiesen’s demand for arbitration and opened an arbitration case titled *Jeremy L. Wiesen vs. CFS 12 Funding LLC and AC Manager LLC*; Case Number 01-20-0014-9032 (the “Arbitration”); and

WHEREAS, the AAA appointed Judy Weintraub (the “Arbitrator”) to serve as arbitrator in the Arbitration and the parties proceeded to arbitrate their dispute before the Arbitrator; and

WHEREAS, on October 19, 2021, in the Arbitration, the Arbitrator issued a **Partial Final Award Of Arbitrator** (the “Partial Award”), a copy of which is annexed as **Exhibit “A”** hereto; and

WHEREAS, on November 9, 2021, in the Arbitration, the Arbitrator issued a **Final Award Of Arbitrator** (the “Final Award”), a copy of which is annexed as **Exhibit “B”** hereto (the Partial Award and the Final Award are hereinafter jointly referred to as the “Arbitration Award”); and

WHEREAS, on November 22, 2021, Petitioners commenced the above-captioned action against Wiesen pursuant to Section 9 of the Federal Arbitration Act, 9 U.S.C. §1 *et seq.* (the “FAA”) and 28 U.S.C. §§ 1331, 1332 and 1391(b) seeking to confirm the Arbitration Award; and

WHEREAS, on December 17, 2021, Wiesen appeared, *pro se*, in this action; and

WHEREAS, on July 24, 2022, while this action was pending, Wiesen died; and


WHEREAS, by the Order of this Court entered on June 5, 2023, Wiesen’s adult son, Gavin Weisen, was, pursuant to Fed. R. Civ. P. 25(a), substituted in place of Wiesen as the respondent in this action solely in his capacity as the *de facto* representative of the estate of Jeremy L. Wiesen (Gavin Weisen, solely in his capacity as *de facto* representative of the estate of Jeremy L. Wiesen, referred to hereinafter as the “Respondent”); and

WHEREAS, on October 4, 2023, the Court issued an **Opinion And Order** in this action, pursuant to which it granted Petitioners’ motion (renewed) to confirm the Arbitration

Award.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that pursuant to 9 U.S.C. § 9 judgment shall enter in favor of Petitioners and against Respondent (solely in Respondent's capacity as the *de facto* representative of the estate of Jeremy L. Weisen) confirming the Arbitration Award in all respects as set forth in the Partial Award (attached as Exhibit A) and the Final Award (attached as Exhibit B). This judgment is rendered without costs assessed against any party.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, NY

December 19, 2023